

EXHIBIT

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X **Docket#**
ROBERT SAMPSON, : 22-cv-04490-JMA-AYS
: :
Plaintiff, : :
: :
- versus - : U.S. Courthouse
: Central Islip, New York
STONY BROOK UNIVERSITY, ET AL, :
: December 9, 2022
Defendants :
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TRANSCRIPT OF CIVIL CAUSE FOR STATUS CONFERENCE
BEFORE THE HONORABLE JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:
(VIA VIDEO/AUDIO)

For the Plaintiffs:

Mary C. Vargas, Esq.
Stein & Vargas LLP
10 G Street NE, Suite 600
Washington, DC 20002

Charles Weiner, Esq.
Law Office of Charles Weiner
99 Lantern Drive, Suite 202
Doylestown, PA 18901

For the Defendants:

Helena A. Lynch, Esq.
NYS Office of The Attorney
General
Nassau Regional Office
200 Old Country Road, Ste. 240
Mineola, NY 11501

Transcription Service:

Transcriptions Plus II, Inc.
61 Beatrice Avenue
West Islip, New York 11795
RL.Transcriptions2@gmail.com

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1 THE DEPUTY: Okay. This is Lauren, Judge
2 Azrack's deputy for *Sampson v. Stony Brook University*,
3 22-cv-4490.

4 Counsel, state your names, who's on the call,
5 and then I'll have the judge call in.

6 MS. VARGAS: Good morning. This is Mary Vargas
7 for the plaintiff. And I believe we have Charles Weiner
8 also for the plaintiff as well as the plaintiff himself,
9 Robert Sampson.

10 THE DEPUTY: Okay.

11 MS. LYNCH: And this is Helena Lynch with the
12 Attorney General's Office for defendant.

13 THE DEPUTY: All right. Thank you. I'll have
14 the judge call in.

15 (Pause in proceedings)

16 THE COURT: Good morning, everyone, it's Judge
17 Azrack. We have Mr. Weiner and Ms. Vargas?

18 MS. VARGAS: Yes. Good morning.

19 THE COURT: Good morning. And we have for the
20 defendant, is it Ms. Lynch?

21 MS. LYNCH: Yes, your Honor. Good morning.

22 THE COURT: Good morning. All right. This is
23 a status in the *Sampson v. Stony Brook* case.

24 As you know, I ruled on the National Medical
25 Board case and I was hopeful that you would have been

Proceedings

1 having discussions about the timing of the Stony Brook
2 motion and how my decision in the Board case affects that
3 motion and the timing of when we deal with it. So why
4 don't you bring me up to date?

5 MS. VARGAS: Your Honor, this is Mary Vargas.
6 And we anticipated, the parties, that you would want to
7 have that discussion or the parties to be having that
8 discussion.

9 We have been in communication all of this week.
10 And I am authorized to say on behalf of both parties, and
11 I'm sure, Ms. Lynch, if I get anything wrong, please
12 correct me, but I'm authorized to say the following on
13 behalf of both parties.

14 Based on the conversations this week, we
15 believe we found a pathway toward resolution of this
16 matter. Both parties have an interest in reaching an
17 agreement through a stipulation or consent decree which
18 will resolve all material issues.

19 As part of the stipulation or consent decree,
20 Stony Brook will agree that Mr. Sampson will be given
21 until August 2024 within which to graduate. He'll be
22 given an opportunity to study for USMLE step 1 which he
23 intends to take during the week of May 15, 2023.

24 After step 1, Mr. Sampson will be allowed to
25 commence his clinical rotations. And the parties would

Proceedings

1 like an opportunity to try and fine tune this pathway
2 towards resolution, so we request until February 1, 2023
3 to try and jointly enter into an agreement.

4 And then, if the parties cannot reach agreement
5 by February 1, we would like to submit proposed filings
6 by February 15, 2023 and seek guidance from the Court at
7 that time, and that the stay on Mr. Sampson's status as a
8 student in good standing would remain in effect in place
9 as long as the Court retains jurisdiction.

10 THE COURT: Ms. Lynch, you're on board with
11 that?

12 MS. LYNCH: Yes. I think it makes sense at
13 this point to add --

14 THE COURT: Yes.

15 MS. LYNCH: -- your Honor, that the one issue
16 that we both anticipate not being able to agree on is the
17 question of attorneys fees. Our position is that we are
18 basically collateral damage here and we will not
19 stipulate to a fee award. So there might end up being
20 motion practice, so we might end up having to --

21 THE COURT: That's fine.

22 MS. LYNCH: -- ask you for permission to
23 forward on the stip but have to resolve fees on motion
24 practice. Okay.

25 THE COURT: Yes. I understand that and we can

Proceedings

1 cross that bridge when the time comes.

2 Well, this is good news. I think this is a
3 very good framework for potential resolution, so I'm
4 really pleased.

5 And what I'd like to do though is if you can't
6 resolve it by February 1st, I'd like to do just a
7 telephone status with you before you do filing.

8 MS. VARGAS: This is Mary Vargas. Thank you,
9 your Honor. Plaintiffs would welcome that.

10 THE COURT: Okay. All right. Well, this is
11 good news, yes. All right, Ms. Lynch?

12 MS. LYNCH: Yes. Thank you, your Honor. We
13 agree with that proposal.

14 THE COURT: All right. So I'm not going to set
15 a date now because I'll basically wait for some notice
16 from you that we do need to talk to you, Judge. All
17 right?

18 MS. VARGAS: (Inaudible). Thank you, your
19 Honor.

20 MS. LYNCH: Yes.

21 THE COURT: Wonderful. Okay. Thank you. Good
22 luck with putting this pen to paper and everything, but I
23 think this is an excellent pathway forward. So thank
24 you.

25 MS. VARGAS: Thank you.

Proceedings

1 MS. LYNCH: We're happy the Court is pleased.

2 MR. WEINER: Thank you.

3 THE COURT: The Court is pleased. Anything
4 else?

5 MS. VARGAS: No, your Honor.

6 MS. LYNCH: I believe that's it, yeah.

7 THE COURT: All right. Everybody stay safe,
8 stay well. Happy holidays. Thank you.

9 MS. LYNCH: Same to you, Judge.

10 MS. VARGAS: Thank you. Thank you.

11 (Matter concluded)

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C E R T I F I C A T E

I, MARY GRECO, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this 7th day of August, 2023.



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